

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIAN HOUSE,

Plaintiff,

-against-

ANSWER

07 Civ. 5623

METRO-NORTH COMMUTER RAILROAD,

Defendant.

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Defendant, Metro-North Commuter Railroad (hereinafter referred to as “Metro-North”), by its attorney, Richard K. Bernard, Esq., as and for its answer to the complaint of the plaintiff, alleges as follows, upon information and belief:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph(s) 1 of the complaint.
2. Denies upon information and belief each of the allegations contained in paragraph(s) 2 of the complaint and refers all questions of law and fact to judge and jury, except admits that Metro-North is a corporation duly organized and existing according to law.
3. Denies upon information and belief each of the allegations contained in paragraph(s) 3 of the complaint and refers all questions of law and fact to judge and jury, except admits that defendant maintains its principle place of business in the County of New York.
4. Denies the allegations contained in paragraph(s) 4 of the complaint, except admits that plaintiff was employed by defendant.

5. Denies upon information and belief each of the allegations contained in paragraph(s) 5 of the complaint and refers all questions of law and fact to judge and jury

6. Denies the allegations contained in paragraph(s) 6, 7, 8, 9, 10, 11, 12 and 13 of the complaint.

AS AND FOR AN AFFIRMATIVE DEFENSE

7. As and for an affirmative defense, or as a defense in mitigation of damages, the defendant claims that any injuries allegedly sustained by the plaintiff were caused, in whole or in part, by reason of the culpable conduct of the plaintiff.

WHEREFORE, the defendant, Metro-North Commuter Railroad demands judgment dismissing the complaint, together with costs and disbursements and such other and further relief as to this Court seems just and proper.

Dated: New York, New York
June 27, 2007

RICHARD K. BERNARD
GENERAL COUNSEL

By: S/
Ioana Wenchell – IW/4775
Attorneys for Defendant
347 Madison Avenue
New York, New York 10017
212-340-2203

TO: Michael H. Zhu, Esq.
Attorney for Plaintiff
14 Wall Street, 22nd Floor
New York, New York 10005
212-227-2245 – MHZ/7500

STATE OF NEW YORK :
:ss:
COUNTY OF NEW YORK:

LAURA MATTHEWS, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in the Bronx, New York.

On June 28, 2007, I served a true copy of the annexed Answer and Rule 7.1 Statement, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO: Michael H. Zhu, Esq.
Attorney for Plaintiff
14 Wall Street, 22nd Floor
New York, New York 10005
212-227-2245

S/
LAURA MATTHEWS

Sworn to before me this
28 day of June, 2007

S/
NOTARY PUBLIC

House, Brian